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EXAMINER
FRANCIS, MARK P

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

			Application No.		Applicant(s)	
☐ ☐	**Office Action Summary**		10/721,812		KNUTSON ET AL.	
			Examiner		Art Unit	
			Mark P. Francis		2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02 October 2007</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to the amendment filed October 02, 2007.

2.   Per applicants' request, claims 1,4-5,and 22 have been amended.

Response to Amendments

3.   The rejection of claims 1,4,5 and 2, under 35 U.S.C. 112 second paragraph as

being indefinite for insufficient antecedent are withdrawn in view of applicant's

amendment.

The 35 U.S.C. 101 Non-Statutory rejection of claims 1 and 4 are withdrawn in view of

applicant's amendment.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the
United States before the invention thereof by the applicant for patent, or on an international application
by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this
title before the invention thereof by the applicant for patent.

5.   Claims 1-16 and 20,22 are rejected under 35 U.S.C. 102(e) as being anticipated

by Hecksel. (U.S. PGPUB 2004/0243968)

Independent claims

With respect to claims 1 and 4, Hecksel discloses In a system having a processor for

planning a software development project having a planned number of project

components,(Col 1:005, "…eXtreme Programming(XP)…", Col 2:0015, '…Extreme

Programming…") wherein the project is divided into a series of development periods,(Col

2:0032, "…A software project may include, but is not limited to, conception, design,

development,…") with each project component assigned to one of the development

periods, (Col 3:0036-0038, "…The term "project context" may be used to describe the

environment …may have several components…")wherein for each development period

there is a planned amount of work and a planned amount of resources,(Col 3:0036-0037,

"…each component may have a set of one or more attributes…may include one or more

of, but are not limited to, size, skill level, geographic distribution…") and wherein the

development project involves both the development of project components as well as the

testing of project components,(Col 1:005, "…using continual testing and revision…") a

graphical user interface, (Col 5:0128, "…the number of web pages(screens) the user

could see within an application…for GUI..", e.g See Fig. 9 and related text) comprising:

 first window means for displaying a graph illustrating both the total work and the total

resources for the development of project components during at least one development

period; (Col 6:0135, "…Mean, Min, and Max values are specified…")

and second window means for displaying a graph illustrating both the total work and the

total resources for the testing of project components during at least one development

period. (Col 11:0322, "...System 1000 may also include one or more display devices...",

Col 14:0364-0366, "...provides a minimum and maximum value for each attribute...")

With respect to claims 5 and 22, Hecksel discloses a method for a user planning a

development project using an Extreme Programming (XP) process having a planned

number of project components to be completed, (Col 1:005, "...eXtreme

Programming(XP)...", Col 2:0015, '...Extreme Programming...") wherein the project is

divided into a series of development periods, (Col 2:0032, "...A software project may

include, but is not limited to, conception, design, development,...") with each project

component assigned to one of the development periods, (Col 3:0036-0038, "...The term

"project context" may be used to describe the environment ...may have several

components...") wherein for each development period there is a planned amount of work

and a planned amount of resources, (Col 3:0036-0037, "...each component may have a

set of one or more attributes...may include one or more of, but are not limited to, size, skill

level, geographic distribution...") so that for each development period there is a total of

work and a total of resources associated with project components within that development

period, (Col 6:0135, "...Mean, Min, and Max values are specified...") and wherein the

development project involves both the development of project components as well as the

testing of project components, (Col 1:005, "...using continual testing and revision...") the

method comprising: providing a graphical user interface (GUI);

Displaying to the user at the GUI (Col 5:0128, "...the number of web pages(screens) the

user could see within an application...for GUI..", e.g See Fig. 9 and related text) a graph

illustrating for at least one development period both the total work and the total resources

for the development of project components during that development period; (Col 6:0135,

"...Mean, Min, and Max values are specified...", e.g. See Figs 2a,2b, and 3)

and adjusting by the user of either the planned work or the planned resources or both, so

that the impact of the adjustment can be observed the first graph displayed at the GUI.

(e.g. See Fig. 6b and related text)

Dependent claims

With respect to claims 2 and 6, the rejection of claims 1 and 5 are incorporated

respectively and further, Hecksel discloses that the development project is a software

development project. 9Col 1:0015, "...for software development projects are described...")

With respect to claim 3, the rejection of claim 2 is incorporated and further, Hecksel

discloses further comprising: a third window for displaying data underlying the graphs

displayed in the first and second windows, (Col 5:0128, "...the number of web

pages(screens) the user could see within an application...for GUI..", e.g See Fig. 9 and

related text) wherein the underlying data in the third window may be displayed for

modification, so that as the underlying data is modified,(Col 7:0178-0179, "...the model

may be used midstream in a project to forecast what a potential change in the project...")

corresponding modifications are made to the graphs in the first and second displays. (Col

11:0322-0323, "...may also include one or more display devices for displaying outputs...")

With respect to claim 7, the rejection of claim 2 is incorporated and further, Hecksel discloses that the development project uses an extreme programming (XP) process,(Col 2:0015-0016, "...Extreme Programming...") and wherein the project components are defined by user stories. (Col 8:0195, "...against the customer Project Context...")

With respect to claim 8, the rejection of claim 5 is incorporated and further, Hecksel discloses that a plurality of graphs representing a plurality of development periods are displayed on the GUI. (See Figs 6a and 6B and related text)

With respect to claim 9, the rejection of claim 5 is incorporated and further, Hecksel discloses that the planned amount of work and the planned amount of resources are each expressed in hours. (Col 5:0128, "...the number of 48-hour work effort units...")

With respect to claim 10, the rejection of claim 5 is incorporated and further, Hecksel discloses that the step of adjusting planned work is accomplished by changing the number of project components within the one development period. (Col 3:0036-0038, "...The term "project context" may be used to describe the environment ...may have several components...")

With respect to claim 11, the rejection of claim 5 is incorporated and further, Hecksel discloses that a plurality of developers are assigned to the project,(Col 7:0190, "...experienced developers,...") wherein each developer has a planned level of effort for

the development project, and wherein the step of adjusting is accomplished by changing

the level of effort. (Col 3:0036-0038, "...The term "project context" may be used to

describe the environment ...may have several components...")

With respect to claim 12, the rejection of claim 5 is incorporated and further, Hecksel

discloses that each developer has a total number of hours available for the development

project for the one development period, (Col 5:0128, "...the number of 48-hour work effort

units...")

and wherein the level of effort is expressed as a percentage of those available hours. (Col

5:0128, "...A work/effort breakdown...")

With respect to claim 13, the rejection of claim 5 is incorporated and further, Hecksel

discloses further comprising simultaneously displaying on the GUI underlying data

associated with each project component, the underlying data including impact data

representing an indication of whether or not the completion of the project component is

mandatory. (Col 3:0036-0040, "...A project context may have several components...")

With respect to claim 14, the rejection of claim 13 is incorporated and further, Hecksel

discloses that project components consist of components specified by a user and project

components specified by a developer, ,(Col 7:0190, "...experienced developers,...") and

wherein the mandatory project component is one specified by a developer. (Col 7:0190,

"...experienced developers,...")

With respect to claim 15, the rejection of claim 5 is incorporated and further, Hecksel

discloses further comprising displaying simultaneously on the GUI underlying data

associated with each project component, (Col 3:0036-0040, "...A project context may

have several components...")

and wherein the GUI has a first display area for displaying the first graph, a second

display area for displaying the second graph, and a third display area for displaying the

underlying data. (Col 5:0128, "...the number of web pages(screens) the user could see

within an application...for GUI..", e.g See Fig. 9 and related text)

With respect to claim 16, the rejection of claim 15 is incorporated and further, Hecksel

discloses that the step of adjusting is performed using the third display area. (e.g. See Fig.

6b and related text)

With respect to claim 20, the rejection of claim 5 is incorporated and further, Hecksel

discloses comprising, as part of the steps of displaying first and second graphs, illustrating

the difference between the total work and the total resources(Col 6:0135, "...Mean, Min,

and Max values are specified...")

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Hecksel (U.S. PGPUB 2004/0243968) in view of Kolawa.(U.S. PGPUB 2005/0015675)

With respect to claim 17, the rejection of claim 5 is incorporated and further,

Hecksel does not disclose that the project components are software, and wherein the

testing of the project components comprises acceptance testing for each individual project

component, and wherein the total work for testing illustrated at the second graph is the

total work associated with acceptance testing.

Kolawa discloses that the project components are software, (Col 4:0046-0051,

"...(regression testing)...the testing tools...are integrated with the check-in procedures for

source control...") and wherein the testing of the project components comprises

acceptance testing for each individual project component, and wherein the total work for

testing illustrated at the second graph is the total work associated with acceptance

testing(Col 6:0069-0071, "...it is shown in graphic form...")

in an analogous system for the purpose of preventing errors throughout the full computer

software lifecycle.(Kolawa:Col 2:0022)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to include acceptance test for each individual project component.

The modification would have been obvious because one of ordinary skill in the art would have been motivated to prevent errors throughout the full computer software lifecycle.(Kolawa:Col 2:0022)

With respect to claim 18, the rejection of claim 17 is incorporated and further,

Hecksel does not disclose that the testing further comprises regression testing, and wherein the method further comprises displaying, as part of the second graph, the total work associated with regression testing for the one development period, the regression testing illustrated separately from the acceptance testing.

Kolawa discloses that the testing further comprises regression testing, (Col 1:0006, "...regression testing...") and wherein the method further comprises displaying, as part of the second graph, the total work associated with regression testing for the one development period, (Col 4:0046-0051, :...Problems found by the tool are fed back to the developers...") the regression testing illustrated separately from the acceptance testing (Col 5:0064-0066, "...such as a bug tracking system...data from testing and monitoring tools...", See Fig. 4c and related text) in an analogous system for the purpose of preventing errors throughout the full computer software lifecycle.(Kolawa:Col 2:0022)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to include regression testing for each individual project component.

The modification would have been obvious because one of ordinary skill in the art would have been motivated to prevent errors throughout the full computer software lifecycle.(Kolawa:Col 2:0022)

With respect to claim 19, the rejection of claim 17 is incorporated and further,

Hecksel does not disclose that the regression testing comprises testing a completed project component multiple times, including once after each of multiple subsequent project components are completed.

Kolawa discloses that wherein the regression testing comprises testing a completed project component multiple times,(Col 4:0051-0054, "...Problems found by the tool are fed back to the development stage...") including once after each of multiple subsequent project components are completed (Col 4:0051-0054, "....the tool can be run with or without the check-in thresholds pre-configured...") in an analogous system for the purpose of preventing errors throughout the full computer software lifecycle.(Kolawa:Col 2:0022)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to include regression testing that comprises testing a completed project component several times.

The modification would have been obvious because one of ordinary skill in the art would have been motivated to prevent errors throughout the full computer software lifecycle.(Kolawa:Col 2:0022)

8.   Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hecksel (U.S. PGPUB 2004/0243968) in view of Molinari. (U.S. PGPUB 2003/0058280)

The rejection of claim 5 is incorporated and further,

Hecksel does not disclose that the first and second graphs comprise multiple bar graphs, with one of the multiple bar graphs representing total work and another of the bar graphs representing total resources.

Molinari discloses that the first and second graphs comprise multiple bar graphs, with one of the multiple bar graphs representing total work and another of the bar graphs representing total resources. (Col 17:0231, "...Bar Graph...") in an analogous system for the purpose of providing a design desktop on which the user may develop a plurality of

front panels, each of which represents a complete instrument and a group of which

constitutes all of the instrumentation required for a multi-instrument measurement

environment or project. (Molinari:Col 2:0020)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of

the invention to graphs that comprise multiple bar graphs representing both total work and

total resources..

The modification would have been obvious because one of ordinary skill in the art would

have been motivated to provide a design desktop on which the user may develop a

plurality of front panels, each of which represents a complete instrument and a group of

which constitutes all of the instrumentation required for a multi-instrument measurement

environment or project. (Molinari:Col 2:0020)

Response to Arguments

9.   Applicant's arguments filed on October 02, 2007 have been fully considered but

they are not persuasive. Following is the Examiner's response to Applicants' arguments.

With respect to claims 1,4, and 22, Applicant essentially argues that Hecksel et al. does

not anticipate the features of this claim because Hecksel et al. does not teach or suggest

a graphical user interface in a system for planning a development project.

In response, the Examiner disagrees, Note Col 11:0322, it is here that Hecksel

teaches that the software development system may include one or more display devices

that display the outputs of Software Methodology evaluation and selection mechanism

along with the one or more user input devices for accepting user input to the Software

Methodology.   If the display can accept user input then it is considered to be a graphical

user interface. Therefore, Hecksel does disclose graphical user interface in a system for

planning a development project.

With respect to claims 1,4, and 22, Applicant essentially argues that Hecksel et al. does

not anticipate the features of this claim because Hecksel et al. does not teach or suggest

displaying graphs illustrating both total work and total resources for the development of

project components and graphs illustrating both total work and total resources for the

testing of project components.

In reply, the Examiner disagrees, Note Col 3:0036, it is here that Hecksel

discloses that a project context describes the environment that encompasses a software

development project. It is taught that the project context may have several components

that include but are not limited to people, process, and technology that when used

together describe the behavior of a project. Later on in Col 6:0135, Hecksel teaches that

the methodology model includes the core attributes defined in the Project Context which

would include the components of people, process, and technology. In addition, in Col 10:

0317, Hecksel teaches that a compatibility matrix is a spreadsheet that consists of methodology types along one axis and Methodology components(people, process, and technology) along the other axis. It is taught that by using the matrix, the project components can be tested against several predefined methodology models(e.g. SunTone AM, SCRUM, XP, Waterfall,etc.) to determine the skill level of each project componet with each methodology model. Next, in Col 14:0364, here Hecksel defines attributes of the project components that may be paired on a graph for providing a minimum and maximum value for each attribute along with being used to determine a methodology that is a better fit for that given attribute. Thus Hecksel, does teach displaying graphs illustrating both total work and total resources for the development of project components and graphs illustrating both total work and total resources for the testing of project components.

With respect to claims 1,4, and 22, Applicant essentially argues that Hecksel et al. does not anticipate the features of this claim because Hecksel et al. does not teach or suggest two windows or displays, one for illustrating information pertaining to development of project components and the other pertaining to testing of project components.

In reply, the Examiner differs, Note Col 11:0322, it is here that Hecksel teaches that the software development system may include one or more display devices that display the outputs of Software Methodology evaluation and selection mechanism along with the one or more user input devices for accepting user input to the Software Methodology. Col 10: 0317, Hecksel teaches that a compatibility matrix is a spreadsheet that consists of

methodology types along one axis and Methodology components(people, process, and technology) along the other axis. It is taught that by using the matrix, the project components can be tested against several predefined methodology models(e.g. SunTone AM, SCRUM, XP, Waterfall,etc.) to determine the skill level of each project componet with each methodology model. Next, in Col 14:0364, here Hecksel defines attributes of the project components that may be paired on a graph for providing a minimum and maximum value for each attribute along with being used to determine a methodology that is a better fit for that given attribute. Therefore, Hecksel does teach or suggest two windows or displays, one for illustrating information pertaining to development of project components and the other pertaining to testing of project components.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory

action. In no event, however, will the statutory period for reply expire later than SIX

MONTHS from the mailing date of this final action.

11.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Mark P. Francis whose telephone number is (571)272-

7956. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Meng-Ai T.An can be reached on (571)272-3756. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

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access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-

217-9197 (toll-free). If you would like assistance from a USPTO Customer Service

Representative or access to the automated information system, call 800-786-9199 (IN

USA OR CANADA) or 571-272-1000.

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